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Supreme Court of the United States

OCTOBER TERM, 1906.

ADAMS EXPRESS COMPANY, Plaintiff in Error,
vs.
COMMONWEALTH OF KENTUCKY. } No. 331

ADAMS EXPRESS COMPANY, Plaintiff in Error,
vs.
COMMONWEALTH OF KENTUCKY. } No. 332

AMERICAN EXPRESS COMPANY
vs.
COMMONWEALTH OF KENTUCKY. } No. 583

Motion to Advance.

N. B. HAYS.
Attorney General of Kentucky.

We consent to the granting of the foregoing motion to advance.

LAWRENCE MAXWELL, JR.,
Counsel for Adams Express Company.

E. F. TRABUE,
Counsel for American Express Company.

Geo. A. Lewis Publishing House Print, Frankfort, Ky.

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MOTION TO ADVANCE.

The Commonwealth of Kentucky, defendant in error, moves the court to advance the above entitled cases on the docket and set the same down for hearing, as one case, at such early day during the present term as will be convenient to the court.

They are criminal cases. The plaintiffs in error are

express companies engaged in interstate commerce, and have been indicted and convicted for selling whisky in a local option district in Kentucky; and for delivering whisky and accepting the C. O. D. charges prohibited under statutes of Kentucky which they claim to be repugnant to the Constitution of the United States. The Court of Appeals of Kentucky held that the transactions were not interstate commerce.

There are now pending twenty-eight cases in the Court of Appeals of Kentucky involving substantially the same question which have been continued to the April term of that court, awaiting the decision of this court in the above entitled cases, and it is exceedingly important to the interests of the Commonwealth that the cases should be disposed of. If they are not advanced, the cases pending in the Court of Appeals of Kentucky may be decided and the docket of this court will be encumbered by many additional writs of error sued out by the express companies. There are also numerous indictments pending in the local courts of Kentucky involving the same question.

NAPOLEON B. HAYS,
Attorney General of Kentucky.

We consent to the granting of the foregoing motion to advance.

LAWRENCE MAXWELL, JR.,
Counsel for Adams Express Company.

EDMUND F. TRABUE,
Counsel for American Express Company.